

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JASON THIEL,

Plaintiff,

vs.

Case No. 19-3126-SAC

RENO COUNTY COMMISSION, et al.,

Defendants.

O R D E R

On September 11, 2019, the court directed the Clerk of the Court to issued waiver of service to defendant Travis Dorian and dismissed the remaining defendants in this action. The waiver of service which was sent to the Hutchinson Police Department was returned unexecuted with the notation that Dorian was no longer there.

Plaintiff is advised that this matter may not proceed further until a defendant has been served with summons and a complaint. Under the Rule 4(m) of the Federal Rules of Civil Procedure, unless a defendant is served within 90 days after the complaint is filed, the court "must dismiss the action without prejudice against that defendant or order that service be made within a specified time." If plaintiff shows good cause for failure to make service, the court must extend the time for service for an appropriate period.

The complaint in this case was filed July 11, 2019. The ninetieth day after that is October 9, 2019. Plaintiff is entitled to have the United States Marshal or Deputy Marshal serve summons because plaintiff has been authorized to proceed in forma pauperis. Fed.R.Civ.P. 4(c)(3). But, plaintiff has the responsibility to provide the Court or the Marshals Service with the information of defendant Dorian's address for service. Folsom v. Grice, 2018 WL 5904508 *2-3 (W.D.Okla. 10/26/2018); Nichols v. Schmidling, 2012 WL 10350 *2 (D.Kan. 1/3/2012).

The court orders plaintiff to supply the court with defendant Dorian's address so that the court may direct the United States Marshal to serve summons upon Dorian. If plaintiff needs more time to obtain this information and fears that service cannot be made by October 9, 2019, plaintiff may ask for an extension of time for service pursuant to Rule 4(m).

IT IS SO ORDERED.

Dated this 25th day of September, 2019, at Topeka, Kansas.

s/Sam A. Crow
Sam A. Crow, U.S. District Senior Judge